



## OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

196 SW 2d 833

February 16, 1939

RALD C. MANN  
ATTORNEY GENERAL

Hon. Stephen P. Hebert  
County Attorney  
DeWitt County  
Cuero, Texas

Dear Sir:

Opinion No. 0-355

Re: Article 1659, requiring competitive bids in the purchase of road machinery.

Your letter of February 10th has been received in which you desire this Department to furnish you an opinion as to whether or not a Commissioners' Court, desiring to purchase a road tractor costing probably between \$1,500.00 and \$2,000.00, would have to advertise for competitive bids.

In this connection, we believe that Article 1659 controls and a portion of which article reads as follows:

"Supplies of every kind, road and bridge material, or any other material, for the use of said county, or any of its officers, departments, or institutions must be purchased on competitive bids, the contract to be awarded to the party who, in the judgment of the Commissioners' Court, has submitted the lowest and best bid...."

We respectfully attach hereto a copy of an opinion written by Hon. Joe Sharp, Assistant Attorney General, addressed to Hon. Alwin E. Pape, County Attorney, Wagnon, Texas, under date of September 14, 1937, which answers, no doubt, the identical question as contained in your letter. It appears, therefore, that this Department has consistently held that road machinery comes under the terms

overruled by  
court judgment in  
Sam F. Patten v.  
Concho Co., D. (Concho  
County No. 95-8)

Hon. Stephen P. Hebert, February 16, 1939, Page 2

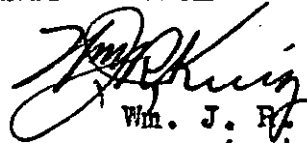
and within the meaning of said statute and that the phrase "supplies of every kind" would include such road machinery as mentioned.

It is, therefore, the opinion of this Department that in the purchase of a road tractor as outlined in your letter that same should be advertised for competitive bids, as provided in the above statute.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

  
Wm. J. R. King  
Assistant

WmK:AW

ENCLOSURE

APPROVED:

  
ATTORNEY GENERAL OF TEXAS